



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2010 REGULAR SESSION

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HOUSE BILL NO. 356

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WEDNESDAY, FEBRUARY 17, 2010

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The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED  
DATE April 12, 2010  
5:01 pm  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY R. Adles

AN ACT relating to real estate brokers and salesmen.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

1        ➔ Section 1. KRS 324.090 is amended to read as follows:

- 2        (1) Licenses shall expire annually and shall be renewed each year on the date  
 3        determined by the commission by administrative regulation~~[on the thirty first day~~  
 4        ~~of March of each year]~~. The commission shall renew a license for each ensuing  
 5        year, in the absence of any reason or condition which might warrant the refusal of  
 6        the granting of the license, upon receipt of the written request of the applicant and  
 7        payment of the annual fees required. A new license shall be mailed only if the  
 8        licensee's name, address, status, or affiliation changes.
- 9        (2) A fine not to exceed two hundred dollars (\$200) shall be assessed for failure to  
 10        renew on time before a new license is issued. Failure to receive a renewal form shall  
 11        not constitute an adequate excuse for failure to renew on time nor shall failure of  
 12        the mail.
- 13        (3) Any license not renewed at the end of the renewal year as prescribed by the  
 14        commission shall automatically revert to expired status. An expired license may be  
 15        reactivated before a lapse of one (1) year, if delinquent fees are paid by the licensee.

16        ➔ Section 2. KRS 324.112 is amended to read as follows:

- 17        (1) No principal broker shall maintain a branch office outside a one hundred  
 18        (100)~~[fifty (50)]~~ mile radius of the main office without having a broker managing  
 19        the branch office.
- 20        (2) A sales associate with two (2) years experience in the real estate business, averaging  
 21        at least twenty (20) hours per week for a period of twenty-four (24) months prior,  
 22        may manage a branch office inside a one hundred (100)~~[fifty (50)]~~ mile radius of  
 23        the main office.
- 24        (3) The principal broker shall register any branch office with the commission within ten  
 25        (10) days of the creation of the branch office.

1 (4) The licenses of all licensees shall be kept on file in the office in which they are  
2 actively engaged and affiliated.

3 (5) A principal broker in the process of closing a real estate brokerage business may  
4 affiliate temporarily with another principal broker if:

5 (a) No other licensee is affiliated with the former principal broker;

6 (b) Both the former and the latter principal brokers represent to the commission  
7 that the affiliation is for the purpose of closing the former principal broker's  
8 business; and

9 (c) Both the former and the latter principal brokers give assurances satisfactory to  
10 the commission that no consumer will be adversely affected by the affiliation  
11 or the closing of the former principal broker's business.

12 ➔Section 3. KRS 324.330 is amended to read as follows:

13 (1) Notice in writing shall be given to the commission by each licensee of any change  
14 of principal business location, a change of firm name, sales associate's transfer from  
15 one (1) principal broker to another, or a change of surname. The commission shall  
16 issue a new license for the unexpired period and shall charge the fee as provided in  
17 KRS 324.287(6) for effecting the change on its records. This section shall apply to  
18 both brokers and sales associates.

19 (2) The commission shall be notified in writing of a change of a residence address  
20 within ten (10) days.

21 (3) A fee shall be assessed for certification of a licensee's status with the commission.

22 **(4) The commission shall, by the promulgation of administrative regulations, require**  
23 **all licensees to file with the commission, at annual renewal, their telephone**  
24 **numbers and, if applicable, their e-mail addresses.**

25 ➔Section 4. KRS 324.410 is amended to read as follows:

26 The purposes of the real estate education, research, and recovery fund shall be as follows:

27 (1) If a licensee, acting in the capacity of a licensee, has been duly found guilty of fraud

1 in the violation of one (1) or more of the provisions of KRS 324.160, and upon the  
2 conclusion of a final order entered by the commission, or by the courts, if appealed,  
3 the commission may pay to the aggrieved person or persons an aggregate amount  
4 not to exceed twenty thousand dollars (\$20,000) per claimant with combined  
5 payments to all claimants against any one (1) licensee not to exceed fifty thousand  
6 dollars (\$50,000), if the licensee has refused to pay the claim within a period of  
7 twenty (20) days of entry of a final order and if the amount or amounts of money in  
8 question are certain and liquidated.

9 (2) The commission shall maintain a minimum level of four hundred thousand dollars  
10 (\$400,000) for recovery and guaranty purposes. These funds may be invested and  
11 reinvested in the same manner as funds of the state employees' retirement system  
12 and the interest from the investments shall be deposited to the credit of the real  
13 estate education, research, and recovery fund. Sufficient liquidity shall be  
14 maintained so that there shall be money available to satisfy any and all claims which  
15 may be processed through the commission through the means of formal  
16 administrative hearing as outlined in this chapter.

17 (3) The commission, in its discretion, may use any and all funds in excess of the four  
18 hundred thousand dollars (\$400,000) level, regardless of whether it is from the real  
19 estate education, research, and recovery fund fees or accrued interest thereon, for  
20 the following purposes:


21 (a) To carry out the advancement of education and research in the field of real  
22 estate for the benefit of those licensed under the provisions of this chapter and  
23 the improvement and making more efficient the real estate industry;


24 (b) To underwrite educational seminars, caravans, and other forms of educational  
25 projects for the use and benefit generally of real estate licensees;

26 (c) To establish a real estate chair or courses at Kentucky state institutions of  
27 higher learning for the purpose of making the courses available to licensees

- 1           and the general public who may seek them on a college or university level;
- 2       (d) To contract for a particular research project in the field of real estate for the
- 3           Commonwealth of Kentucky;
- 4       (e) To sponsor, contract for, and to underwrite other educational and research
- 5           projects of a similar nature having to do with the advancement of the real
- 6           estate field in Kentucky; and
- 7       (f) To receive recommendations and to cooperate and work with the Kentucky
- 8           Association of Realtors and other real estate groups for the enlightenment and
- 9           advancement of the real estate licensees of Kentucky.
- 10   (4) Within one hundred twenty (120)~~[sixty (60)]~~ days after the end of each fiscal year,
- 11       the commission shall make public, through its Web site or other public
- 12       media,~~[mail to each licensee]~~ a statement of income and expenses of the real estate
- 13       education, research, and recovery fund, the details of which have been approved by
- 14       the secretary of the Finance and Administration Cabinet.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date April 12, 2010